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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,295	12/20/2001	Tamenobu Yamamoto	12301/2	8106

26646 7590 08/05/2005

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ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

TRAN, THAO T

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,295

Applicant(s)

YAMAMOTO ET AL.

Examiner

Thao T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005 and 16 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This is in response to the Amendments filed on 6/16/2005 and 5/16/2005. The Terminal Disclaimers filed on 5/16/2005 are also acknowledged.
2. The examiner notices that in the Amendments filed on 5/16/2005, claim 13 was added. However, claim 13 was canceled in the Amendments filed on 6/16/2005. Thus, claim 13 is not considered in this Office action.
3. Claims 1-12 are currently pending in this application. Claim 5 has been amended. Claims 2 and 8-11 have been withdrawn as directed to a non-elected invention as indicated in the prior Office action. Claims 1, 3-7, and 12 are being examined together.

Claim Rejections - 35 USC § 112

4. In view of the prior Office action of 2/16/2005, the rejection of claim 5, under 35 U.S.C. 112, second paragraph, has been withdrawn due to the Amendment made thereto.

Double Patenting

5. In view of the prior Office action of 2/16/2005, the rejection of claims 1, 3-7, and 12, under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,613,433; claims 1-20 of US Pat. 6,659,608; claims 1-20 of US Pat. 6,814,902, has been withdrawn due to the timely filed Terminal Disclaimers.

Claim Rejections - 35 USC § 102

6. In light of the Declaration filed on 1/17/2002 and the Translation of Foreign Priority Paper filed 5/16/2005, the rejection of claims 1, 3-7, and 12, under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al. (US Pat. 6,613,433), or Yamamoto et al. (US Pat. 6,659,608), or Yamamoto et al. (US Pat. 6,814,902), has been withdrawn.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 3-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshikawa (US Pat. 4,709,991) in view of Hoshikawa et al. (US Pat. 4,526,818).

Hoshikawa '991 teaches a polarizing article, comprising a laminate structure; wherein the laminate structure comprises transparent plates 1, 2; an orientation layer 6 on the inner surface of the transparent plates; and a barrier layer 5 (see Fig. 1; col. 5, ln. 31-50). The orientation layer 6 is formed of polyamide resin (see col. 6, ln. 3-5). The transparent plate can have a polarizing film attached to it (see col. 2, ln. 48-49). A seal 8 is formed around the periphery of the transparent plates, wherein the seal is formed of urethane resin (see col. 6, ln. 13-19). The transparent plate may have a layer of aluminum or silver applied to it (mirror coating) (see col. 2, ln. 56-58). An adhesive is applied on the transparent plates and between the plates (see Fig. 4; col. 7, ln. 6-8; col. 8, ln. 65-67).

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Hoshikawa '991 does not specifically teach the polarizing film sandwiched between two layers.

Hoshikawa '818 teaches a substrate comprising a polarizer sheet 11 sandwiched between two plastic films 12, 13; an orientation layer 3 made of polyamide resin (see abstract; Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have employed the substrate, as taught by Hoshikawa '818, in the invention of Hoshikawa '991, for the purpose of providing better protection of the polarizing plate.

Response to Arguments

9. Applicant's arguments filed 6/16/2005 have been fully considered but they are not persuasive.

Applicants' argue that the polyamide layer of the patent '991 is obtained by orientation treatment, therefore structurally different from the presently claimed polyamide layer. However, the claim language is directed to a polyamide layer, thus open to whether the layer is oriented or not.

In response to Applicants' argument that the orientation layer in patent '991 is not attached to an adhesive layer, Applicants are reminded that, as pointed out in the prior Office action, patent '991 does disclose an adhesive applied on the transparent plates and between the plates. Thus, an adhesive is applied to the orientation layer which is on the inside surface of each transparent plate. Therefore, the presently claimed invention is obvious over patent '991.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

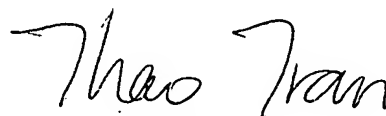
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 3, 2005

A handwritten signature in black ink that reads "Thao Tran". The signature is written in a cursive, flowing style.

**THAO T. TRAN
PATENT EXAMINER**